

## **REMARKS**

The Office Action dated September 11, 2006, has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

Claims 1-16 have been amended to more particularly point out and distinctly claim the subject matter of the invention. Claims 17 and 18 have been added. No new matter has been added, and no new issues are raised which require further consideration and/or search. Claims 1-18 are submitted for consideration.

Claims 1-16 were rejected under 35 U.S.C. 101 as being directed to non-statutory matter. Claims 1-16 have been amended to overcome this rejection. Specifically, claims 1 and 13 include the element of "obtaining the second plurality of the scaled data arrays for use in determining at least one condition." Applicant submits that the added limitation to the claims provides a practical application which produces a useful, concrete and tangible result, as required by 35 U.S.C. 101. According to the MPEP, a practical application results if the claims invention transforms an article or physical object or produces a useful, concrete and tangible result. Specifically, the MPEP indicates that a claim must be checked to determine whether a useful, concrete or tangible result is recited in the claim or inherently flows therefrom. Applicant submits that "obtaining the second plurality of the scaled data arrays for use in determining at least one condition," as recited in claims 1 and 13 provides the practical application which produces a useful,

concrete and tangible result, required by 35 U.S.C. 101. Claims 9 and 10 further limit the condition determined from claim 1. Therefore, Applicant requests that this rejection be withdrawn.

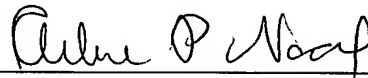
Claims 13-16 were also rejected as being devoid of any apparent hardware, and therefore are computer programs. Claims 13-16 have been amended to overcome this rejection. Therefore, Applicant requests that this rejection be withdrawn.

Applicant notes that each of claims 1-18 now recites patentable subject matter. It is therefore respectfully requested that all of claims 1-18 be allowed and this application passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,



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Enclosures: Additional Claim Fee Transmittal  
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